

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 8043**
Michelangelo SPERI : Attorney Docket No. 2005_0050A
Serial No. 10/523,704 : Group Art Unit 1774
Filed February 7, 2005 :

CONTROL DEVICE WITH INTER
CHANGEABLE ELECTRONIC CARD
FOR ROLLING ELEMENTS SUCH AS A
ROLLER BLINDS, ROLLER SHUTTERS,
AWNINGS AND SO FORTH

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

PETITION UNDER 37 C.F.R. § 1.47(B) - INVENTOR REFUSES TO SIGN
AND
SUBMISSION OF EXECUTED DECLARATION AND POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a petition filed under the provisions of 37 C.F.R. § 1.47 to accept the Declaration signed by the President of Jolly Motor International S.p.A. The petition is necessary to permit the filing of the application under 37 C.F.R. § 1.47(b) and is submitted with the first submission of the Declaration executed by the Rule 47 Applicant on behalf of the non-signing inventor. This petition includes:

1. Proof that the non-signing inventor was presented with the application papers and refused to sign the Declaration;
2. The required petition fee of \$130.00 (37 C.F.R. § 1.17(i)); and
3. The last known address of the non-signing inventor.

Note that the statement of facts is presented in the form of a Declaration by Adriana Beltrami and includes an explanation of the Italian law which provides that the patent rights belong to the employer.

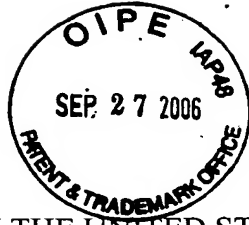
Respectfully submitted,

Michelangelo SPERI

By: 

Michael S. Huppert
Registration No. 40,268
Attorney for Applicant

MSH/kjf
Washington, D.C. 20006-1021
Telephone (202) 721-8200
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September 27, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

SPERI Michelangelo
Serial No. 10/523,704
Filed: February 7, 2005

Atty. Ref.: 2005-0050A
Group: 1774
Examiner: Not Assigned

For: CONTROL DEVICE WITH
INTERCHANGEABLE ELECTRONIC
CARD FOR ROLLING ELEMENTS
SUCH AS ROLLER BLINDS, ROLLER
SHUTTERS, AWNINGS AND SO FORTH

* * * * *

Assistant Commissioner for Patents

Washington, DC 20231

Sir:

**DECLARATION OF ADRIANA BELTRAMI IN SUPPORT OF
PETITION UNDER RULE 47(A)**

I, Adriana Beltrami, depose and declare as follows:

1. I am an Italian citizen, having a residence at Via Negroponte 9, 30100 Lido di Venezia, Italy.

2. I am a member of the Board of Directors of Jolly Motor International S.p.A., Viale Caproni 13, Pedemonte, 38068 Rovereto, Italy.

3. On August 7, 2002, i.e. the filing date of the priority Italian Patent Application No. MI2002A001798, the inventor Michelangelo Speri was General Director of Jolly Motor International S.p.A..

4. According to Art. 23 of the old Italian patent law, now Art. 64(2) of the new Italian Code of Industrial Property, all patent rights in the invention described and claimed in the above-mentioned Italian Patent Application and corresponding foreign applications are the property of Jolly Motor

International S.p.A., while Michelangelo Speri has the right to be named as inventor.

5. Article 23 of the old Italian patent law and corresponding Article 64(2) of the new Italian Code of Industrial Property state that, when an industrial invention is made during the execution of a technical job according to an employment agreement, the patent rights belong to the employer, while the inventor is entitled to a reward if the inventive activity was not foreseen as being within the scope of the employment agreement and was not remunerated for this purpose.

6. Article 24 of the old Italian patent law and corresponding Article 64(3) of the new Italian Code of industrial Property refer to the case in which the inventor has no technical job but makes an invention that is within the field of activity of the employer. In this situation, the patent rights belong to the inventor but the employer has a pre-emption right for the use of the invention, for the purchase of the Italian patent and for the request or purchase of foreign patents upon the payment of a royalty or a price.

7. In this particular case, since Michelangelo Speri was the General Director of Jolly Motor International and had a technical job, Articles 23 and 64(2) are applicable rather than Articles 24 and 64(3).

8. During 2004 Michelangelo Speri left Jolly Motor International S.p.A. and signed an agreement dated April 15, 2004 for the purpose of closing all pending questions between him and Jolly Motor International S.p.A..

9. Upon entering the U.S National Stage of International Application No. PCT/EP 03/08699, Jolly Motor International S.p.A. sent to Michelangelo Speri, at his address of Via Quar 16, 37029 San Pietro in Cariano, Italy, the enclosed letter dated July 21, 2004 (exhibit A), along with declaration and assignment forms to be signed by him. The word "MODULO" identified the present invention.

10. Having received no response from Michelangelo Speri, I sent to him the enclosed reminder dated September 29, 2004 (exhibit B).

11. Michelangelo Speri replied with the enclosed letter, dated October 22, 2004 (exhibit C) indicating that he would sign the declaration and assignment forms upon payment of an amount according to Art. 24 of the old Italian patent law by Jolly Motor International S.p.A..

12. It is my understanding and belief that Art. 24 of the old patent law is not applicable to the present case, and thus, I sent to Michelangelo Speri by registered mail, the enclosed further letter, dated October 27, 2004 (exhibit D), inviting him to sign and return the declaration and assignment forms.

13. As of this date, no further communication has been received from Michelangelo Speri.

14. The protection of the invention, as described in the above mentioned patent application, is considered by Jolly Motor International S.p.A. to be very important. The filing date of the U.S. National Stage Application is necessary to preserve the rights of, and prevent irreparable damage to, Jolly Motor International S.p.A..

I hereby declare that all statements made herein of my own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted

By: Adriana Beltrami
Adriana Beltrami

Rovereto, Italy
December 8, 2005



- 1 -

TRANSLATION OF LETTER OF JOLLY MOTOR INTERNATIONAL
DATED JULY 21, 2004

Rovereto, 21 July 2004

Dear Mr.

SPERI MICHELANGELO

Via Quar, 16

37029 SAN PIETRO IN CAIRANO

Re: Patent application "IP MOTOR" and MODULO

I enclose the forms sent to us by Ing. Mittler to be signed where indicated.

In this occasion I provide best regards.

Jolly Motor International S.p.A.

Signed by Graziana Bertolini

EXHIBIT "A"

0039 0464 430087



Jolly Motor International spa
Sede sociale e stabilimento
I - 38068 ROVERETO (TN)
Viale Caproni, 15 - 2°
tel. 0464 48 44 00
fax 0464 43 00 87
www.jollymotor.com
info@jollymotor.net

Cap. Soc. € 304.000
R.S. Trib. Trento n. 4901
C.C.I.A.A. Trento 129483
Macc. TN 008193
C.F. 00911540136
P.IVA 01308240223
IT 01308240223

Jolly Motor International spa
Registered Office & Plant
I - 38068 ROVERETO (TN)
Viale Caproni, 15 - 2°
tel. +39 0464 48 44 00
fax +39 0464 43 00 87
www.jollymotor.com
info@jollymotor.net

Share Capital € 104.000
Companies' Register
Court of Trento: No. 4901
C.C.I.A.A. of Trento: No. 129483
Macc. TN: No. 008193
Tax Code: 00911540136
Vat Code 01308240223

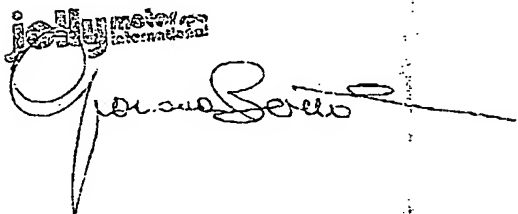
Rovereto, 21 luglio 2004

Egregio Ing.
SPERI MICHELANGELO
Via Quar, 16
37029 SAN PIETRO IN CARIANO
VERONA

OGGETTO: domanda di brevetto "IP MOTOR" e MODULO

Invio in allegato i moduli di procura trasmessici dall'ing. Mittler da firmare dove indicato.

Con l'occasione porgo cordiali saluti.


jolly motor international



- 1 -

TRANSLATION OF LETTER OF JOLLY MOTOR INTERNATIONAL
DATED SEPTEMBER 29, 2004

Rovereto, 29/09/2004

Dear Ing.
MICHELANGELO SPERI
Via Quar, 16
PEDEMONTE
37029 SAN PIETRO IN CAIRANO (VR)

Considering the difficulty to contact you by phone I am obliged to urge by written the signature and the return of the form for filing the patent for the devices "Modulo" and "IP Motor" which we have already requested to you since time

Should you have any reason for not doing it, I ask you to contact me or Mrs. Bertolini so as to clarify any possible problem.

I wait for your news, also in order to define time and way to settle your remaining fees.

Yours faithfully

Jolly Motor International S.p.A.
Adriana Beltrami
Signed by Adriana Beltrami

EXHIBIT "B"

0039 0464 430087

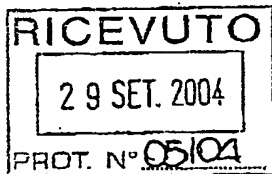


Jolly Motor International spa
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Cap. Soc. € 104.000
R.S. Tribunale n. 4801
C.C.I.A.A. Trento 129483
Mecc. TN 008193
C.F. 00911540135
P.IVA 01308240223
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Share Capital € 104.000
Companies' Register
Court of Trento: No. 4801
C.C.I.A.A. of Trento: No. 129483
Mech. TN: No. 008193
Tax Code: 00911540135
Var Code 01308240223



Rovereto 29/09/04

Egr. Ing.
MICHELANGELO SPERI
Via Quar 16
PEDEMONTE
37029 S. PIETRO IN CARIANO (VR)

Vista la difficoltà di contattarLa telefonicamente sono costretta a sollecitare per iscritto la sottoscrizione e l'invio della procura per il deposito del brevetto per i prodotti "Modulo" ed "IP Motor" che Le abbiamo richiesto già da tempo.

Se dovesse avere qualsiasi motivo per non farlo, La prego di contattare me o la Sig.ra Bertolini in modo da chiarire l'eventuale problema.

Attendo Sue notizie, anche per poter definire tempi e modi per la liquidazione delle sue competenze residue.

Distinti saluti

Jolly Motor International
Adriana Beltrami

Adriana Beltrami



- 1 -

TRANSLATION OF LETTER OF MICHELANGELO SPERI DATED
OCTOBER 22, 2004

To the kind attention of Mrs. Adriana Beltrami
Jolly Motor International S.p.A.
Via Caproni 13 Z.I.
38068 Rovereto (Trento)

Verona, 22 October 2004

Re: Patents *Modulo* and *IP Motor*

In connection with your communication of 29.9.2004, prot. N. 05, having as subject matter the patents for the devices <<modulo>> and <<i.p. motor>>, I state that I have no difficulty to sign the documents of your interest, having however to point out in this connection that, until now, you have not remitted me the prescribed amount as lawfully provided (ex art. 24 Royal Decree 1127/39).

By the present letter, therefore, I ask you to direct to my attention a proper economic proposal, which you should kindly submit within and not later than next 15 November.

Otherwise, I will have to consider lapsed ex art. 24, last point, Royal Decree 1127/39 every agreement concerned with your purchase and/or use of the above patents.

art. 23

Looking forward to hearing from you I remain
Yours faithfully

EXHIBIT "C"

Speri Michelangelo

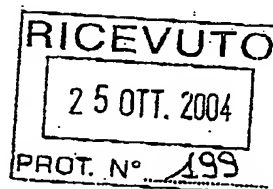
Signed by Michelangelo Speri

0039 0464 430087



alla cortese attenzione della Signora Adriana Beltrami
Jolly Motor International S.p.A.
Via Caproni 13 Z.I.
38068 Rovereto (Trento)

Verona, 22 ottobre 2004



Oggetto: Brevetti *Modulo* e *IP motor*

In relazione alla Vostra comunicazione del 29.9.2004, prot. n. 05/04, avente ad oggetto i brevetti dei prodotti «modulo» ed «i.p. motor», Vi preciso che non ho alcuna difficoltà a sottoscrivere la documentazione di Vostro interesse, dovendoVi peraltro fare in proposito presente che, a tutt'oggi, ancora non si è provveduto, da parte Vostra, siccome normativamente previsto (ex art. 24 Regio Decreto 1127/39) a corrispondermi il prescritto corrispettivo.

A mezzo della presente, pertanto, vengo a farVi richiesta di formulazione alla mia attenzione di competente proposta economica, che Vorrete cortesemente sottoporre entro e non oltre il 15 novembre p.v..

In difetto, dovrò ritenere decaduto, ex art. 24 ultimo comma, Regio Decreto 1127/39 ogni accordo inerente all'acquisto e/o all'uso dei brevetti in parola, da parte Vostra.

anf. 23

Nel rimanere in attesa di un Vostro cortese cenno di riscontro al riguardo saluto distintamente.

Speri Michelangelo



- 1 -

TRANSLATION OF LETTER OF JOLLY MOTOR INTERNATIONAL

DATED OCTOBER 27, 2004

Rovereto, 27/10/2004

Dear Mr.

Ing. Michelangelo Speri

Via Quar, 16 PEDEMONTE

37029 SAN PIETRO IN CAIRANO VR

Re: Patents "MODULO" and "I.P. MOTOR"

We refer to your present letter of last 22/10 arrived just now, to dissent from the content of the same, under several points.

On one side, in fact, the patents of the devices "MODULO" and "I.P. MOTOR" are not work of your mind but of the Technical Office of Jolly Motor and, as regards the first one (MODULO), of the sale President of the Company, Mr. Giampaolo Maffioli; on the other side, in any case, there was no authorization of Jolly Motor to file the above patents in your name, as you have unilaterally and illegitimately made.

In any case the provisions of art. 24 R.D. 1127/39 cannot be applied to this matter, also in view of your job and of the obtainment of the invention inside the writing Company and its designing, technological and engineering structures.

All this having been considered, in any case, any your request in this regard is absorbed and renounced by the convention of resolution of the work relationship made with you on 15/04/2004, and this at title of general agreement ex art. 1965 C.C., in order to prevent the arise of any dispute

EXHIBIT "D"

referred not only to money requests proper of your job and work performances but also to any request, action, right or reason relative to, consequent to, vicarious and also only caused by the work relationship and to any indemnity or damage in any case hypothetically due.

Accordingly, seen that the invitation of 29/09/2004 directed to you to sign and return the form for filing the cited patents has been fruitless, we are obliged to intimate you what said above, apart from any different action, within the term of 8 days from the receipt of this communication, rejected any different exception.

Meanwhile we provide best regards.

Jolly Motor International S.p.A.

Signed by Adriana Beltrami

REGISTERED MAIL WITH R. R.

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